



Reprinted
March 6, 2001

SENATE BILL No. 298

DIGEST OF SB 298 (Updated March 5, 2001 2:27 PM - DI 51)

Citations Affected: IC 31-31; IC 33-4; IC 33-5; IC 33-5.1; IC 33-8; IC 33-13; IC 33-19; noncode.

Synopsis: Courts and court officers. Requires the state to pay the full salary of 17 full-time juvenile magistrates who are currently paid partly from state funds and partly from county funds. Establishes a superior court in Howard County and in DeKalb County. Provides that the initial judges of the DeKalb and Howard County superior courts shall be elected in 2002. Eliminates the small claims referee in the DeKalb superior court. Provides one additional magistrate for the LaPorte circuit and superior courts. Changes the method of appointment of magistrates in LaPorte County. Authorizes Henry superior court No. 2 to appoint a small claims referee. Corrects a technical error to bring the law governing the Elkhart circuit court into conformity with provisions of the law governing the Elkhart superior court that state the number of magistrates jointly appointed by the Elkhart circuit and superior courts. Provides for payment of senior judges who have served at least 30 days without interruption in a calendar year at the rate set under a compensation schedule adopted by the supreme court. Establishes a late payment fee for the late payment of fines, civil penalties, and costs. Permits a county council to adopt an ordinance providing that 40% of late payment fees collected by the clerk of the circuit court are to be deposited in the clerk's record perpetuation fund and 60% of the late payment fees are to be deposited in the county general fund. Makes related changes. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2001; January 1, 2003.

**Bray, Alexa, Bowser, Meeks C,
Meeks R**

January 11, 2001, read first time and referred to Committee on Judiciary.
January 18, 2001, amended, reported favorably — Do Pass.
January 22, 2001, reassigned to Committee on Finance.
March 1, 2001, amended, reported favorably — Do Pass.
March 5, 2001, read second time, amended, ordered engrossed.

SB 298—LS 7738/DI 51



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 298

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-4-1-20.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20.1. (a) The judges of
3 the Elkhart circuit and superior courts may jointly appoint ~~one (1)~~
4 **three (3) full-time magistrate magistrates** under IC 33-4-7 to serve the
5 circuit and superior courts.
6 (b) ~~The A~~ **magistrate appointed under this section** continues in
7 office until removed by the judges of the circuit and superior courts.
8 SECTION 2. IC 33-4-1-41.1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41.1. (a) The judges of
10 the Johnson circuit and superior courts may jointly appoint one (1)
11 full-time magistrate to serve both the circuit and superior courts. **The**
12 **magistrate continues in office until removed by the judges of the**
13 **Johnson circuit and superior courts.**
14 (b) **In addition to the magistrate appointed under subsection (a),**
15 **the judge of the Johnson circuit court may appoint one (1) full-time**
16 **magistrate under IC 33-4-7.** The magistrate continues in office until
17 removed by the ~~judges~~ **judge** of the Johnson circuit ~~and superior~~

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~~courts.~~ **court.**

SECTION 3. IC 33-4-1-46, AS AMENDED BY P.L.196-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 46. (a) The county of LaPorte shall constitute the Thirty-second Judicial Circuit.

(b) The judges of the LaPorte circuit court and LaPorte superior ~~court No. 4~~ **courts** may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7 to serve the circuit and superior courts.

(c) ~~The A~~ **A** magistrate continues in office until removed by **majority vote of** the judges of the LaPorte circuit court and LaPorte superior ~~court No. 4.~~ **courts.**

SECTION 4. IC 33-4-1-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 64. (a) The county of Porter shall constitute the sixty-seventh judicial circuit.

(b) **The judge of the Porter circuit court may appoint one (1) full-time magistrate under IC 33-4-7. The magistrate continues in office until removed by the judge of the Porter circuit court.**

SECTION 5. IC 33-4-1-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 84. (a) The county of Vigo shall constitute the forty-third judicial circuit.

(b) **The judges of the Vigo circuit and superior courts may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts. A magistrate appointed under this section continues in office until removed by the judges of the circuit and superior courts.**

SECTION 6. IC 33-4-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. ~~Except as provided in section 11 of this chapter,~~ The state shall pay the salary of a magistrate. A county located in the circuit that the magistrate serves may supplement the magistrate's salary.

SECTION 7. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) ~~A~~ **If a person has not served as a senior judge for at least thirty (30) calendar days without interruption in a calendar year, the person is entitled to (1) a per diem of fifty dollars (\$50) and (2) for each day served as a senior judge in the calendar year.**

(b) **If a person has served as a senior judge for at least thirty (30) calendar days without interruption in a calendar year, for the remainder of the calendar year the senior judge is entitled to compensation for service as a senior judge at the rate set under a compensation schedule for senior judges established by rule**



1 adopted by the supreme court. A per diem set under the rules may
 2 not exceed two hundred dollars (\$200) for each day served as a
 3 senior judge.

4 (c) Regardless of the number of days in a calendar year that a
 5 person has served as a senior judge, a senior judge is entitled to
 6 reimbursement for:

7 (A) (1) mileage; and

8 (B) (2) reasonable expenses, including but not limited to meals
 9 and lodging;

10 incurred in performing service as a senior judge. ~~for each day served~~
 11 ~~as a senior judge.~~

12 ~~(b) (d)~~ The ~~per diem compensation~~ and reimbursement for mileage
 13 and reasonable expenses under subsection (a) shall be paid by the state.

14 ~~(c) (e)~~ A senior judge appointed under this chapter may not be
 15 compensated as a senior judge for more than one hundred (100)
 16 calendar days in the aggregate during a calendar year.

17 SECTION 8. IC 33-5-5.1-8, AS AMENDED BY P.L.196-1999,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2001]: Sec. 8. (a) The court may appoint such number of
 20 probate commissioners, juvenile referees, bailiffs, court reporters,
 21 probation officers, and such other personnel, including but not limited
 22 to an administrative officer, as shall in the opinion of the court be
 23 necessary to facilitate and transact the business of the court. ~~In addition~~
 24 ~~to the personnel authorized under this subsection and IC 31-31-3, The~~
 25 ~~judges of the Allen superior court-civil division may jointly appoint not~~
 26 ~~more than four (4) full-time magistrates under IC 33-4-7 to serve the~~
 27 ~~Allen superior court-civil division. The judges of the Allen superior~~
 28 ~~court-civil division may jointly assign any such magistrates the duties~~
 29 ~~and powers of a probate commissioner. In addition to the personnel~~
 30 ~~authorized under this subsection and IC 31-31-3, The judges of the~~
 31 **Allen superior court-family relations division may jointly appoint**
 32 **three (3) full-time magistrates under IC 33-4-7.** The judge of the
 33 Allen superior court-criminal division may jointly appoint not more
 34 than three (3) full-time magistrates under IC 33-4-7 to serve the Allen
 35 superior court-criminal division. Any such magistrate serves at the
 36 pleasure of, and continues in office until jointly removed by, the judges
 37 of the division that appointed the magistrate. All appointments made
 38 under this subsection shall be made without regard to the political
 39 affiliation of the appointees. The salaries of the above personnel shall
 40 be fixed and paid as provided by law. If the salaries of any of the above
 41 personnel are not provided by law, the amount and time of payment of
 42 such salaries shall be fixed by the court, to be paid out of the county



1 treasury by the county auditor, upon the order of the court, and be
 2 entered of record. The officers and persons so appointed shall perform
 3 such duties as are prescribed by the court. Any such administrative
 4 officer appointed by the court shall operate under the jurisdiction of the
 5 chief judge and shall serve at the pleasure of the chief judge. Any such
 6 probate commissioners, magistrates, juvenile referees, bailiffs, court
 7 reporters, probation officers, and other personnel appointed by the
 8 court shall serve at the pleasure of the court.

9 (b) Any probate commissioner so appointed by the court may be
 10 vested by said court with all suitable powers for the handling and
 11 management of the probate and guardianship matters of the court,
 12 including the fixing of all bonds, the auditing of accounts of estates and
 13 guardianships and trusts, acceptance of reports, accounts, and
 14 settlements filed in said court, the appointment of personal
 15 representatives, guardians, and trustees, the probating of wills, the
 16 taking and hearing of evidence on or concerning such matters, or any
 17 other probate, guardianship, or trust matters in litigation before such
 18 court, the enforcement of court rules and regulations, the making of
 19 reports to the court concerning his doings in the above premises,
 20 including the taking and hearing of evidence together with such
 21 commissioner's findings and conclusions regarding the same, all of
 22 such matters, nevertheless, to be under the final jurisdiction and
 23 decision of the judges of said court.

24 (c) Any juvenile referee so appointed by the court may be vested by
 25 said court with all suitable powers for the handling and management of
 26 the juvenile matters of the court, including the fixing of bonds, the
 27 taking and hearing of evidence on or concerning any juvenile matters
 28 in litigation before the court, the enforcement of court rules and
 29 regulations, the making of reports to the court concerning his doings in
 30 the above premises, all of such matters, nevertheless, to be under final
 31 jurisdiction and decision of the judges of said court.

32 (d) For any and all of the foregoing purposes, any probate
 33 commissioner and juvenile referee shall have the power to summon
 34 witnesses to testify before the said commissioner and juvenile referee,
 35 to administer oaths and take acknowledgments in connection with and
 36 in furtherance of said duties and powers.

37 (e) The powers of a magistrate appointed under this section include
 38 the powers provided in IC 33-4-7 and the power to enter a final order
 39 or judgment in any proceeding involving matters specified in
 40 IC 33-5-2-4 (jurisdiction of small claims docket) or IC 34-26-2
 41 (protective orders to prevent abuse).

42 SECTION 9. IC 33-5-10.8-1 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There is established a court of record to be known as the DeKalb superior court (referred to as "the court" in this chapter). The court may have a seal containing the words "DeKalb Superior Court **No. 1**, DeKalb County, Indiana" and "**DeKalb Superior Court No. 2, DeKalb County, Indiana**". DeKalb County comprises the judicial district of the court.

SECTION 10. IC 33-5-10.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 2. (a) The court has ~~one (1) judge~~ **two (2) judges** who shall be elected at the general election every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins January 1 following ~~his the judge's~~ election and ends December 31 following the election of ~~his the judge's~~ successor.

(b) To be eligible to hold office as judge of the court, a person must:

(1) be a resident of DeKalb County;

(2) be under seventy (70) years of age at the time ~~he takes of~~ **taking** office; and

(3) be admitted to the bar of Indiana.

SECTION 11. IC 33-5-10.8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. ~~The Each~~ judge of the court has the same powers relating to the conduct of the business of the court as the judge of the DeKalb circuit court. ~~The Each~~ judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 12. IC 33-5-10.8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 9. ~~The Each~~ judge of the court shall appoint a bailiff and an official court reporter for the court; their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the DeKalb circuit court. Their salaries shall be paid monthly out of the treasury of DeKalb County as provided by law.

SECTION 13. IC 33-5-10.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 10. The clerk of the court, under the direction of the ~~judge~~ **judges** of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

SECTION 14. IC 33-5-10.8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 11. The court shall hold its sessions in the DeKalb County courthouse in Auburn, Indiana, or in such other places in the county as the board of county commissioners of DeKalb County may provide. The board of county commissioners shall provide and maintain ~~a suitable courtroom~~



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courtrooms and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of DeKalb County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 15. IC 33-5-10.8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 14. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, transfer any action or proceeding from the circuit court to the court. ~~The~~ **A** judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, transfer any action or proceeding from the court to the circuit court.

SECTION 16. IC 33-5-10.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 15. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, sit as a judge of the court in any matter as if ~~he was the judge were~~ an elected judge of the court. ~~The~~ **A** judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, sit as a judge of the circuit court in any matter as if ~~he was the judge were~~ an elected judge of the circuit court.

SECTION 17. IC 33-5-10.8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 17. ~~(a) The Each~~ **superior** court has a standard small claims and misdemeanor division.

~~(b) If the county executive establishes the position of small claims referee to serve the court, the judge of the court may appoint a part-time small claims referee under IC 33-5-2.5 to assist the court in the exercise of its small claims jurisdiction.~~

~~(c) The small claims referee is entitled to reasonable compensation not exceeding twenty thousand dollars (\$20,000) a year as recommended by the judge of the court to be paid by the county after the salary is approved by the county fiscal body. The state shall pay fifty percent (50%) of the salary set under this subsection and the county shall pay the remainder of the salary.~~

~~(d) The county executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including necessary furniture and equipment.~~

~~(e) The court shall employ administrative staff necessary to support the functions of the small claims referee.~~

~~(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.~~

SECTION 18. IC 33-5-13.1-16, AS AMENDED BY P.L.196-1999,



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SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) The judges of the Elkhart circuit and superior courts may jointly appoint ~~two (2)~~ **three (3)** full-time magistrates under IC 33-4-7.

(b) The magistrate continues in office until removed by the judges of the circuit and superior courts.

SECTION 19. IC 33-5-20.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There shall be and is hereby established a Superior Court in Howard County, Indiana, which shall consist of ~~two (2)~~ **three (3)** judges who shall hold their offices for six (6) years and until their successor shall have been elected and qualified.

SECTION 20. IC 33-5-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The courts have the same jurisdiction as the Henry circuit court.

(b) Henry superior court No. 2 has a standard small claims and misdemeanor division.

(c) If the county executive establishes the position of small claims referee to serve the court, the judge of the Henry superior court No. 2 may appoint a part-time small claims referee under IC 33-5-2.5 to assist the court in the exercise of its small claims jurisdiction.

(d) This subsection applies if a small claims referee is appointed under subsection (c). The county shall pay the salary of a part-time small claims court referee appointed under this subsection. The county executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including necessary furniture and equipment. The court shall employ administrative staff necessary to support the functions of the small claims referee. The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this subsection.

SECTION 21. IC 33-5-29.5-7.1, AS AMENDED BY P.L.196-1999, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7.1. (a) The judges of the criminal division may appoint two (2) full-time magistrates under IC 33-4-7 to serve the criminal division. A magistrate appointed under this subsection continues in office until removed by the judges of the criminal division.

(b) The judges of the civil division may appoint two (2) full-time magistrates under IC 33-4-7 to serve the civil division. A magistrate appointed under this subsection continues in office until removed by the judges of the civil division.



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(c) The judge of the juvenile division may appoint three (3) full-time magistrates under IC 33-4-7. A magistrate appointed under this subsection continues in office until removed by the judge of the juvenile division.

(d) The chief judge of the superior court may appoint one (1) full-time magistrate under IC 33-4-7. A magistrate appointed under this subsection continues in office until removed by the chief judge.

SECTION 22. IC 33-5-29.5-8, AS AMENDED BY P.L.1-1997, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The senior judge of each division may appoint the number of bailiffs, court reporters, probation officers, and other personnel as in the opinion of the senior judge is necessary to judicially and efficiently facilitate and transact the business of the division. All appointments shall be made without regard to the political affiliation of the appointees. The salaries of the court personnel shall be fixed and paid as provided by law. The officers and persons appointed shall:

(1) perform the duties prescribed by the senior judge of each respective division; and

(2) serve at the pleasure of the senior judge.

(b) The court shall appoint an administrative officer who shall have the duties as the court shall determine necessary to ensure the efficient operation of the court. The court may appoint the number of deputy administrative officers as the court considers necessary to facilitate and transact the business of the court. Any appointment of an administrative officer or deputy administrative officer shall be made without regard to the political affiliation of the appointees. The salaries of the administrative officer and any deputy administrative officer shall be fixed by the court, to be paid out of the county treasury by the county auditor, upon the order of the court, and entered of record. Any administrative officer or deputy administrative officer appointed by the court shall:

(1) operate under the jurisdiction of the chief judge; and

(2) serve at the pleasure of the chief judge.

(c) The court may appoint part-time juvenile referees ~~and magistrates~~ as provided by IC 31-31-3.

(d) The court may appoint the number of probate commissioners provided for by IC 29-2-2. The probate commissioners shall be vested with the powers and duties provided by IC 29.

SECTION 23. IC 33-5-31.1-12, AS AMENDED BY P.L.196-1999, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2001]: Sec. 12. (a) The judges of the court may, by a vote of the majority of the judges, appoint one (1) full-time magistrate under IC 33-4-7.

(b) The judges of the LaPorte circuit court and LaPorte superior ~~court No. 4~~ **courts** may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7 to serve the circuit and superior courts.

(c) The magistrate appointed under subsection (a) continues in office until removed by the vote of a majority of the judges of the court.

(d) ~~The A~~ magistrate appointed under subsection (b) continues in office until removed by **majority vote of** the judges of the LaPorte circuit court and LaPorte superior ~~court No. 4~~ **courts**.

SECTION 24. IC 33-5-43-1.1, AS AMENDED BY P.L.196-1999, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.1. (a) The judges of the Vanderburgh superior court may jointly appoint not more than ~~four (4)~~ **five (5)** full-time magistrates under IC 33-4-7.

(b) A magistrate continues in office until jointly removed by the judges.

SECTION 25. IC 33-5-44.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. **(a)** The court may appoint such number of commissioners, probate commissioners, referees, juvenile referees, bailiffs, court reporters, probation officers, and such other personnel, including but not limited to an administrative officer, as shall in the opinion of the court be necessary to facilitate and transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. However, if the salaries of any of the personnel are not provided by law, the amount and time of payment of such salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor upon the order of the court, and be entered on record. The officers and persons so appointed shall perform such duties as are prescribed by the court. Any such commissioners, probate commissioners, referees, juvenile referees, probation officers, and other personnel appointed by the court shall serve at the pleasure of the court.

(b) Any probate commissioner so appointed by the court may be vested by said court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts and settlements filed in said court, the appointment of personal representatives, guardians and trustees, the probating of wills, the



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1 taking and hearing of evidence on or concerning such matters, or any
 2 other probate, guardianship or trust matters in litigation before such
 3 court, the enforcement of court rules and regulations, and making of
 4 reports to the court including the taking and hearing of evidence
 5 together with such commissioner's findings and conclusions regarding
 6 the same, all of such matters, nevertheless, to be under the final
 7 jurisdiction and decision of the judges of said court.

8 (c) Any juvenile referee appointed by the court may be vested by
 9 said court with all suitable powers for the handling and management of
 10 the juvenile matters of the court, including the fixing of bonds, the
 11 taking and hearing of evidence on or concerning any juvenile matters
 12 in litigation before the court, the enforcement of court rules and
 13 regulations, the making of reports to the court concerning his doings in
 14 the above premises, all of such matters, nevertheless, to be under final
 15 jurisdiction and decision of the judges of said court.

16 (d) For any and all the foregoing purposes, any probate
 17 commissioner and juvenile referee shall have the power to summon
 18 witnesses to testify before the said commissioner and juvenile referee,
 19 to administer oaths and take acknowledgments in connection with and
 20 in furtherance of said duties and powers.

21 (e) **The judges of the Vigo circuit and superior courts may**
 22 **jointly appoint one (1) full-time magistrate to serve the circuit and**
 23 **superior courts. The magistrate continues in office until removed**
 24 **by the judges of the Vigo circuit and superior courts.**

25 SECTION 26. IC 33-5.1-2-28 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2001]: **Sec. 28. (a) In addition to the**
 28 **magistrates appointed under sections 26 and 27 of this chapter, the**
 29 **judge of the juvenile division of the superior court may appoint**
 30 **four (4) full-time magistrates under IC 33-4-7.**

31 (b) **The magistrates continue in office until removed by the**
 32 **judge of the juvenile division.**

33 SECTION 27. IC 33-8-2-25 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2001]: ~~Sec. 25. In addition to any~~
 35 ~~appointments made by the judge of the St. Joseph probate court under~~
 36 ~~IC 31-31-3; The judge of the St. Joseph probate court may appoint one~~
 37 ~~(1) two (2) full-time magistrate magistrates under IC 33-4-7. The A~~
 38 ~~magistrate appointed under this section may exercise:~~

39 (1) probate jurisdiction under IC 33-8-2-9; and
 40 (2) juvenile jurisdiction under IC 33-8-2-10;
 41 and continues in office until removed by the judge.

42 SECTION 28. IC 33-19-5-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action
 2 that results in a felony conviction under IC 35-50-2 or a misdemeanor
 3 conviction under IC 35-50-3, the clerk shall collect from the defendant
 4 a criminal costs fee of one hundred twenty dollars (\$120).

5 (b) In addition to the criminal costs fee collected under this section,
 6 the clerk shall collect from the defendant the following fees if they are
 7 required under IC 33-19-6:

- 8 (1) A document fee.
- 9 (2) A marijuana eradication program fee.
- 10 (3) An alcohol and drug services program user fee.
- 11 (4) A law enforcement continuing education program fee.
- 12 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 13 (6) An alcohol and drug countermeasures fee.
- 14 (7) A child abuse prevention fee.
- 15 (8) A domestic violence prevention and treatment fee.
- 16 (9) A highway work zone fee.
- 17 (10) A deferred prosecution fee (IC 33-19-6-16.2).

18 **(11) A late payment fee (IC 33-19-6-18).**

19 (c) Instead of the criminal costs fee prescribed by this section, the
 20 clerk shall collect a pretrial diversion program fee if an agreement
 21 between the prosecuting attorney and the accused person entered into
 22 under IC 33-14-1-7 requires payment of those fees by the accused
 23 person. The pretrial diversion program fee is:

- 24 (1) an initial user's fee of fifty dollars (\$50); and
- 25 (2) a monthly user's fee of ten dollars (\$10) for each month that
 26 the person remains in the pretrial diversion program.

27 (d) The clerk shall transfer to the county auditor or city or town
 28 fiscal officer the following fees, within thirty (30) days after they are
 29 collected, for deposit by the auditor or fiscal officer in the appropriate
 30 user fee fund established under IC 33-19-8:

- 31 (1) The pretrial diversion fee.
- 32 (2) The marijuana eradication program fee.
- 33 (3) The alcohol and drug services program user fee.
- 34 (4) The law enforcement continuing education program fee.

35 (e) Unless otherwise directed by a court, if a clerk collects only part
 36 of a criminal costs fee from a defendant under this section, the clerk
 37 shall distribute the partial payment of the criminal costs fee as follows:

- 38 (1) First, the clerk shall apply the partial payment to general court
 39 costs.
- 40 (2) Second, if there is money remaining after the partial payment
 41 is applied to general court costs under subdivision (1), the clerk
 42 shall distribute the partial payment for deposit in the appropriate



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1 county user fee fund.

2 (3) Third, if there is money remaining after distribution under
3 subdivision (2), the clerk shall distribute the partial payment for
4 deposit in the state user fee fund.

5 (4) Fourth, if there is money remaining after distribution under
6 subdivision (3), the clerk shall distribute the partial payment to
7 any other applicable user fee fund.

8 (5) Fifth, if there is money remaining after distribution under
9 subdivision (4), the clerk shall apply the partial payment to any
10 outstanding fines owed by the defendant.

11 SECTION 29. IC 33-19-5-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as
13 provided in subsections (d) and (e), for each action that results in a
14 judgment:

15 (1) for a violation constituting an infraction; or

16 (2) for a violation of an ordinance of a municipal corporation (as
17 defined in IC 36-1-2-10);

18 the clerk shall collect from the defendant an infraction or ordinance
19 violation costs fee of seventy dollars (\$70).

20 (b) In addition to the infraction or ordinance violation costs fee
21 collected under this section, the clerk shall collect from the defendant
22 the following fees if they are required under IC 33-19-6:

23 (1) A document fee.

24 (2) An alcohol and drug services program user fee.

25 (3) A law enforcement continuing education program fee.

26 (4) An alcohol and drug countermeasures fee.

27 (5) A highway work zone fee.

28 (6) A deferred prosecution fee (IC 33-19-6-16.2).

29 **(7) A late payment fee (IC 33-19-6-18).**

30 (c) The clerk shall transfer to the county auditor or fiscal officer of
31 the municipal corporation the following fees, within thirty (30) days
32 after they are collected, for deposit by the auditor or fiscal officer in the
33 user fee fund established under IC 33-19-8:

34 (1) The alcohol and drug services program user fee.

35 (2) The law enforcement continuing education program fee.

36 (3) The deferral program fee.

37 (d) The defendant is not liable for any ordinance violation costs fee
38 in an action in which:

39 (1) the defendant was charged with an ordinance violation subject
40 to IC 33-6-3;

41 (2) the defendant denied the violation under IC 33-6-3-2;

42 (3) proceedings in court against the defendant were initiated

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under IC 34-28-5 (or IC 34-4-32 before its repeal); and
 (4) the defendant was tried and the court entered judgment for the
 defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 30. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.

(6) A late payment fee (IC 33-19-6-18).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 31. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies in each action in which a defendant:**

- (1) is found, in a court that has a local court rule imposing a**

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late payment fee under this section, to have:

- (A) committed a crime;
 - (B) violated a statute defining an infraction;
 - (C) violated an ordinance of a municipal corporation; or
 - (D) committed a delinquent act;
- (2) is required to pay:
- (A) court costs, including fees;
 - (B) a fine; or
 - (C) a civil penalty;
- (3) is not determined by the court imposing the court costs, fine, or civil penalty to be indigent; and
- (4) fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
- (A) The end of the business day on which the court enters the conviction or judgment.
 - (B) The end of the time period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-19-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

SECTION 32. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the



auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-18. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance



under subdivision (1), the county auditor shall deposit all of the fees in the county general fund.

SECTION 33. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the

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1 county auditor the following:

2 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
3 interdiction, and corrections fees collected under
4 IC 33-19-5-1(b)(5).

5 (2) Seventy-five percent (75%) of the alcohol and drug
6 countermeasures fees collected under IC 33-19-5-1(b)(6),
7 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

8 The county auditor shall deposit fees distributed by a clerk under this
9 subsection into the county drug free community fund established under
10 IC 5-2-11.

11 **(f) The clerk of a city or town court shall monthly distribute to**
12 **the city or town fiscal officer (as defined in IC 36-1-2-7) one**
13 **hundred percent (100%) of the late payment fees collected under**
14 **IC 33-19-6-18. The city or town fiscal officer (as defined in**
15 **IC 36-1-2-7) shall deposit fees distributed by a clerk under this**
16 **subsection in the city or town general fund.**

17 SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE
18 JULY 1, 2001]: IC 31-31-3-2; IC 33-4-7-11; IC 33-5-5.1-8.5;
19 IC 33-13-12-8.2.

20 SECTION 35. [EFFECTIVE JULY 1, 2001] **The following juvenile**
21 **magistrates appointed under IC 31-31-3-2, before its repeal by this**
22 **act, compensated under IC 33-4-7-11, before its repeal by this act,**
23 **and serving on June 30, 2001, continue to serve as magistrates until**
24 **removed by the judge or judges that the magistrates will serve**
25 **after the enactment of this act:**

26 (1) Three (3) magistrates serving the Allen superior court,
27 family relations division, continue to serve under the
28 authority of IC 33-5-5.1-8, as amended by this act.

29 (2) One (1) magistrate serving the Elkhart circuit court
30 continues to serve under the authority of IC 33-4-1-20.1 and
31 IC 33-5-13.1-16, both as amended by this act.

32 (3) One (1) magistrate serving the Johnson circuit court
33 continues to serve under the authority of IC 33-4-1-41.1, as
34 amended by this act.

35 (4) Four (4) magistrates serving the Lake superior court,
36 juvenile division, continue to serve under the authority of
37 IC 33-5-29.5-7.1, as amended by this act.

38 (5) Four (4) magistrates serving the Marion superior court,
39 juvenile division, continue to serve under the authority of
40 IC 33-5.1-2-28, as added by this act.

41 (6) One (1) magistrate serving the Porter circuit court
42 continues to serve under the authority of IC 33-4-1-64, as

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1 amended by this act.

2 (7) One (1) magistrate serving the St. Joseph probate court
3 continues to serve under the authority of IC 33-8-2-25, as
4 amended by this act.

5 (8) One (1) magistrate serving the Vanderburgh superior
6 court, juvenile division, continues to serve under the authority
7 of IC 33-5-43-1.1, as amended by this act.

8 (9) One (1) magistrate serving the Vigo circuit court continues
9 to serve under the authority of IC 33-4-1-84 and
10 IC 33-5-44.1-8, both as amended by this act.

11 SECTION 36. [EFFECTIVE JULY 1, 2001] (a) The initial judge
12 of DeKalb superior court No. 2 added by this act shall be the judge
13 elected to the office in the general election to be held November 5,
14 2002. The person elected takes office January 1, 2003.

15 (b) The initial judge of the Howard superior court added by this
16 act shall be the judge elected to the office in the general election to
17 be held November 5, 2002. The person elected takes office January
18 1, 2003.

19 (c) The magistrate appointed to serve the LaPorte circuit and
20 superior courts under IC 33-4-1-46 and IC 33-5-31.1-12, both as
21 amended by P.L.196-1999, continues in office after June 30, 2001,
22 as one (1) of the two (2) magistrates who may be jointly appointed
23 by majority vote of the judges of the LaPorte circuit and superior
24 courts. The magistrate may be removed only by a majority vote of
25 the judges of the LaPorte circuit and superior courts.

26 (d) This SECTION expires January 2, 2003.

27 SECTION 37. [EFFECTIVE JULY 1, 2001] IC 33-4-8-5, as
28 amended by this act, applies only to compensation paid for service
29 performed after June 30, 2001. However, days served as a senior
30 judge after December 31, 2000, and before July 1, 2001, shall be
31 counted toward determining whether a senior judge has served at
32 least thirty (30) days without interruption in calendar year 2001.

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SENATE MOTION

Mr. President: I move that Senator Bowser be added as coauthor of Senate Bill 298.

BRAY

SENATE MOTION

Mr. President: I move that Senators Meeks R and Meeks C be added as coauthors of Senate Bill 298.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 13. IC 33-5-10.8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. The court shall hold its sessions in the DeKalb County courthouse in Auburn, Indiana, or in such other places in the county as the board of county commissioners of DeKalb County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of DeKalb County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities."

Page 14, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 31. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

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(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-18. The county auditor shall deposit fees distributed by a clerk under this subsection in the county general fund.

SECTION 32. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).

(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-4(a) (civil costs fees).

(4) IC 33-19-5-5 (small claims costs fees).



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(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(e) The clerk of a city or town court shall monthly distribute to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-18. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund."

Page 15, line 4, delete "DeKalb" and insert "**Howard**".

Page 15, line 5, delete "No. 2".

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 298 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 298, which is eligible for second reading, be withdrawn from the calendar and be reassigned to the Committee on Finance.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 8 through 16 with "[EFFECTIVE JANUARY 1, 2003]".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 7. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) **✶ If a person has not served as a senior judge for at least thirty (30) calendar days without interruption in a calendar year, the person** is entitled to **(✶)** a per diem of fifty dollars (\$50) **and (✷) for each day served as a senior judge in the calendar year.**

(b) If a person has served as a senior judge for at least thirty (30) calendar days without interruption in a calendar year, for the remainder of the calendar year the senior judge is entitled to compensation for service as a senior judge at the rate set under a compensation schedule for senior judges established by rule adopted by the supreme court. A per diem set under the rules may not exceed two hundred dollars (\$200) for each day served as a senior judge.

(c) Regardless of the number of days in a calendar year that a person has served as a senior judge, a senior judge is entitled to reimbursement for:

(✶A) (1) mileage; and

(✷B) (2) reasonable expenses, including but not limited to meals and lodging;

incurred in performing service as a senior judge. for each day served as a senior judge.

(✷b) (d) The per diem compensation and reimbursement for mileage and reasonable expenses under subsection (a) shall be paid by the state.

(✷c) (e) A senior judge appointed under this chapter may not be compensated as a senior judge for more than one hundred (100) calendar days in the aggregate during a calendar year."

Page 5, line 42, strike "(a)".

Page 6, line 12, delete "(b)".

Page 6, line 12, strike "The county executive shall provide and maintain a suitable".

Page 6, strike lines 13 through 14.

Page 6, line 15, delete "(c)".

Page 6, line 15, strike "The court shall employ administrative staff

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necessary to".

Page 6, strike line 16.

Page 6, line 17, delete "(d)".

Page 6, line 17, strike "The county fiscal body shall appropriate sufficient funds for".

Page 6, strike line 18.

Page 6, line 27, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE JANUARY 1, 2003]".

Page 15, line 19, delete "in the" and insert "as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all of the fees in the county general fund."

Page 15, delete line 20.

Page 16, line 29, delete "(e)" and insert "(f)".

Page 17, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 35. [EFFECTIVE JULY 1, 2001] (a) The initial judge of DeKalb superior court No. 2 added by this act shall be the judge elected to the office in the general election to be held November 5, 2002. The person elected takes office January 1, 2003.

(b) The initial judge of the Howard superior court added by this act shall be the judge elected to the office in the general election to be held November 5, 2002. The person elected takes office January 1, 2003.

(c) This SECTION expires January 2, 2003.

SECTION 36. [EFFECTIVE JULY 1, 2001] IC 33-4-8-5, as amended by this act, applies only to compensation paid for service performed after June 30, 2001. However, days served as a senior judge after December 31, 2000, and before July 1, 2001, shall be counted toward determining whether a senior judge has served at least thirty (30) days without interruption in calendar year 2001."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 298 as printed January 19, 2001.)

BORST, Chairperson

Committee Vote: Yeas 14, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 298 be amended to read as follows:

Page 2, line 7, strike "court No. 4" and insert "**courts.**".

Page 2, line 7, strike "one (1)" and insert "**two (2)**".

Page 2, line 7, strike "magistrate" and insert "**magistrates**".

Page 2, line 9, strike "The" and insert "A".

Page 2, line 9, after "by" insert "**majority vote of**".

Page 2, line 10, strike "court No. 4." and insert "**courts.**".

Page 2, delete lines 11 through 16.

Page 9, line 9, strike "court No. 4" and insert "**courts**".

Page 9, line 9, strike "one (1)" and insert "**two (2)**".

Page 9, line 9, strike "magistrate" and insert "**magistrates**".

Page 9, line 11, delete "The judges of the LaPorte circuit court and the LaPorte".

Page 9, delete lines 12 through 14.

Page 9, line 15, delete "(d)".

Page 9, run in lines 11 and 15.

Page 9, line 17, reset in roman "(d)".

Page 9, line 17, delete "(e)".

Page 9, line 17, strike "The" and insert "A".

Page 9, line 18, after "by" insert "**majority vote of**".

Page 9, line 19, strike "court No. 4." and insert "**courts.**".

Page 9, delete lines 20 through 22.

Page 18, between lines 28 and 29, begin a new paragraph and insert:

"(c) The magistrate appointed to serve the LaPorte circuit and superior courts under IC 33-4-1-46 and IC 33-5-31.1-12, both as amended by P.L.196-1999, continues in office after June 30, 2001, as one (1) of the two (2) magistrates who may be jointly appointed by majority vote of the judges of the LaPorte circuit and superior courts. The magistrate may be removed only by a majority vote of the judges of the LaPorte circuit and superior courts."

Page 18, line 29, delete "(c)" and insert "(d)".

(Reference is to SB 298 as printed March 2, 2001.)

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